

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08MD1932-MU**

**IN RE FAMILY DOLLAR FLSA
LITIGATION**

*Concerning Grace v. Family Dollar Stores,
Inc. (3:06-cv-306) and Ward v. Family
Dollar Stores, Inc. (3:06-cv-441).*

ORDER

This matter is before the Court on Plaintiffs' Response to this Court's April 28, 2009 Order (Doc. No. 159.) In Plaintiffs' response counsel states that Plaintiffs Traci Davis; Doris Ness; John Widdicombe; Deborah Hales; Brenda Rowland; Linda Herring; and Cynthia McVeigh have failed to communicate with counsel and/or return any of the required discovery responses to counsel. Despite counsel's efforts to contact these Plaintiffs by telephone, mail and e-mail, these Plaintiffs have failed to participate in the discovery process. Counsel also states that Plaintiffs Augusta Ayers and Raheem Wilder have indicated to him that they no longer wish to participate in this lawsuit, however, Plaintiffs Ayers and Wilder will not return the required signed permission to dismiss their claims. Counsel further states that Plaintiff Crestlie Bauman cannot be located despite counsel's efforts to locate her via Lexis-Nexis Collection and other methods.

Therefore, based on Plaintiffs' counsel's representations in his Response to this Court's April 28, 2009 Order, Plaintiffs Traci Doris; Doris Ness; John Widdicombe; Deborah Hales; Brenda Rowland; Linda Herring; Cynthia McVeigh; Augusta Ayers; Raheem Wilder; and Crestlie Bauman

will be dismissed from this action based on their lack of interest in pursuing this litigation as evidenced by their failure to communicate with counsel and/or return to counsel any of the required discovery responses and/or required signed permissions to dismiss their claims.

The Court will address Plaintiff LaShonda Rose; Ike Garza; Melvin Cathey, Mark Clark; Sharron Daugherty; John Gertken; Dusty Hylton; Howard Farmer; Jimmy Ray Guinn; Timothy Hill; and Dorothy Hudson Meadows' alleged inadequate discovery responses in the Court's Order on Defendant's Motion to Dismiss which will be forthcoming as soon as the motion is fully briefed.

SO ORDERED.

Signed: July 2, 2009

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

